

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

JOHNATHON WATKINS,  Plaintiff,  vs.  SMITHFIELD PACKAGED MEATS CORP.; BEEKAM; DUSAN,  Defendants.	4:23-CV-04043-KES  SUA SPONTE ORDER RULING THAT PLAINTIFF MAY PROCEED IN FORMA PAUPERIS ON APPEAL
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Plaintiff, Johnathon Watkins, filed a pro se lawsuit against his former employer and two former co-workers. Docket 1. Watkins moved for leave to proceed in forma pauperis, which this court granted. Dockets 2, 7. This court screened Watkins's complaint for dismissal under 28 U.S.C. § 1915, and judgment was entered against Watkins. Dockets 7, 10.

Watkins filed a notice of appeal, but he did not move for leave to proceed in forma pauperis on appeal. See Docket 11. Under Federal Rule of Appellate Procedure 24(a)(3), “[a] party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization” unless the appeal is not taken in good faith, the court “finds that the party is not otherwise entitled to proceed in forma pauperis[,]” or a statute provides otherwise.

It appears that Watkins's appeal is taken in good faith. Because Watkins was granted leave to proceed in forma pauperis in the district-court action, he is granted leave to proceed in forma pauperis on appeal.

IT IS ORDERED:

1. That this court sua sponte grants Watkins leave to proceed in forma pauperis on his appeal.

Dated July 18, 2023.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER  
UNITED STATES DISTRICT JUDGE